



Update on the Clean Water Service Delivery Act of 2019 (Act 76) Implications for the Lake Memphremagog watershed

Act 76 provides assurances that non-regulatory Total Maximum Daily Load (TMDL) reduction targets are met by:

- Establishing a long-term funding source for the Clean Water Fund
- Prioritizing the Clean Water Fund support to Non-Regulatory Programs
- Establishing a network of decentralized Clean Water Service Providers
- Establishing four consistent grant programs to fund water quality projects

Vermont Clean Water Act (Act 64 of 2015)
“All-in for Clean Water”

Reasonable assurance to meet nonpoint source targets

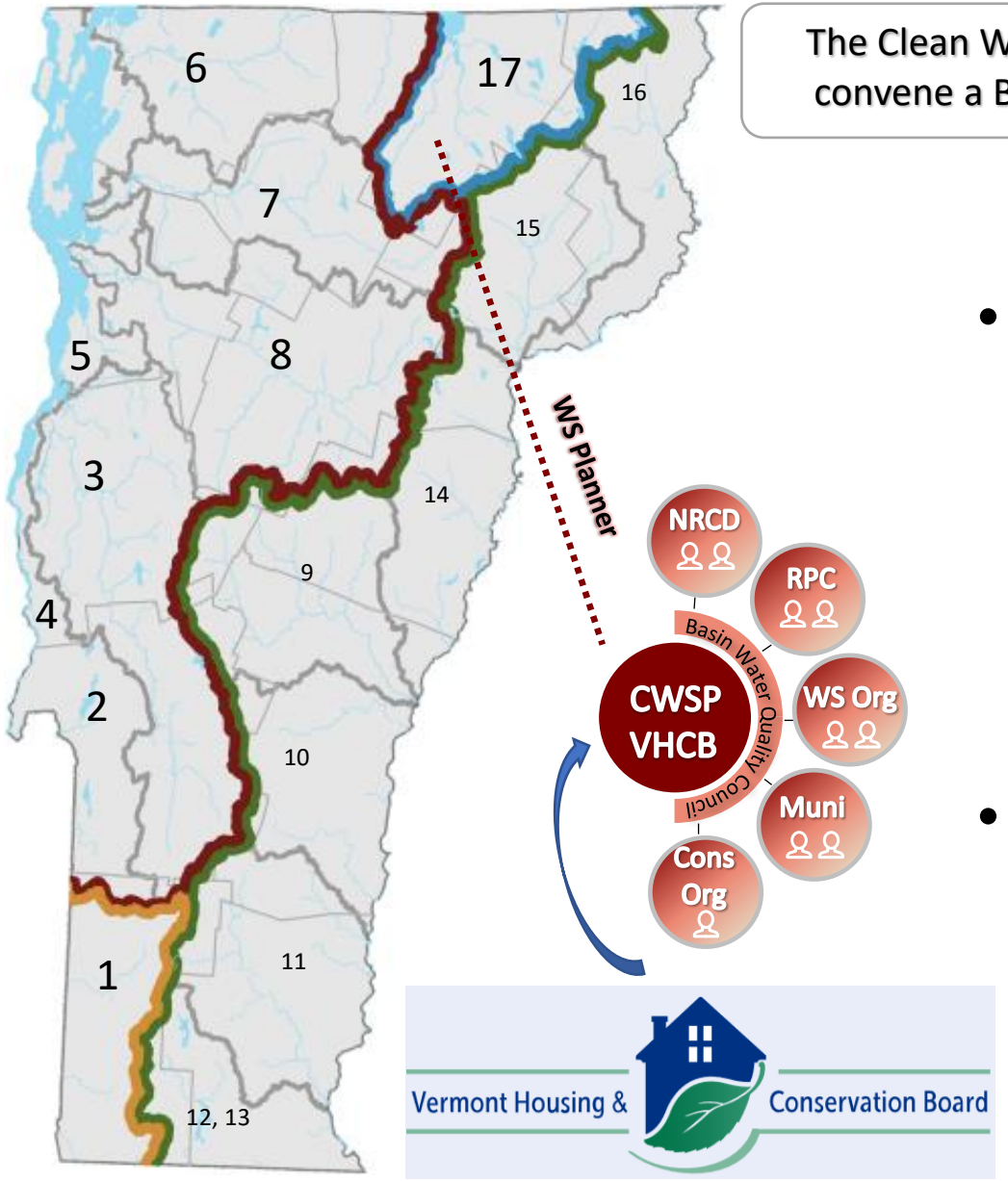
Water quality regulations

Clean Water Fund

Tracking, accounting, and reporting requirements

Act 76: Clean Water Service Providers (CWSP) & Basin Water Quality Councils (BWQC)

- CWSP shall be required to identify, prioritize, develop, construct, verify, inspect, operate, and maintain clean water projects
- CWSP prioritize and selects projects consistent with the applicable tactical basin plan
- BWQCs establish policy and make decisions for the CWSP regarding the most significant water quality impairments that exist in the basin and prioritizing the projects that will address those impairments based on the tactical basin plan



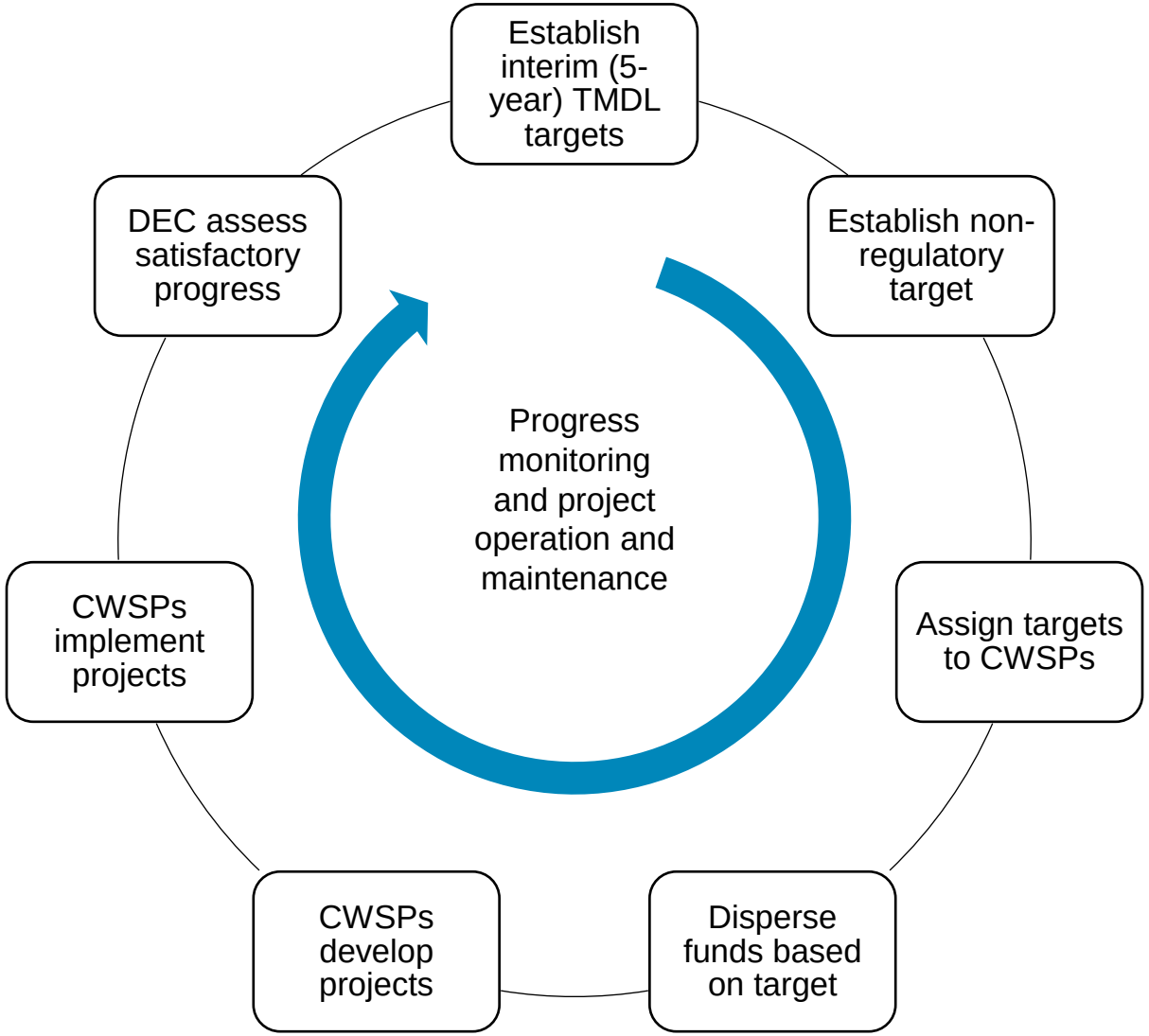
The Clean Water Service Providers shall convene a Basin Water Quality Council

- Clean water projects have to be identified in the Watershed Project Database (WPD)
- BWQCs shall participate in the basin planning process

Vermont Housing & Conservation Board

Working with a statewide network of partners, VHCB funds the conservation of agricultural land, natural areas, forestland, recreational land, and the preservation and restoration of historic properties. These investments strengthen our rural economy, protect wildlife habitat, provide public access to forestland, trails and water, and restore our historic community buildings, creating jobs and bringing visitors to Vermont.

Act 76 Target-Setting and Accountability

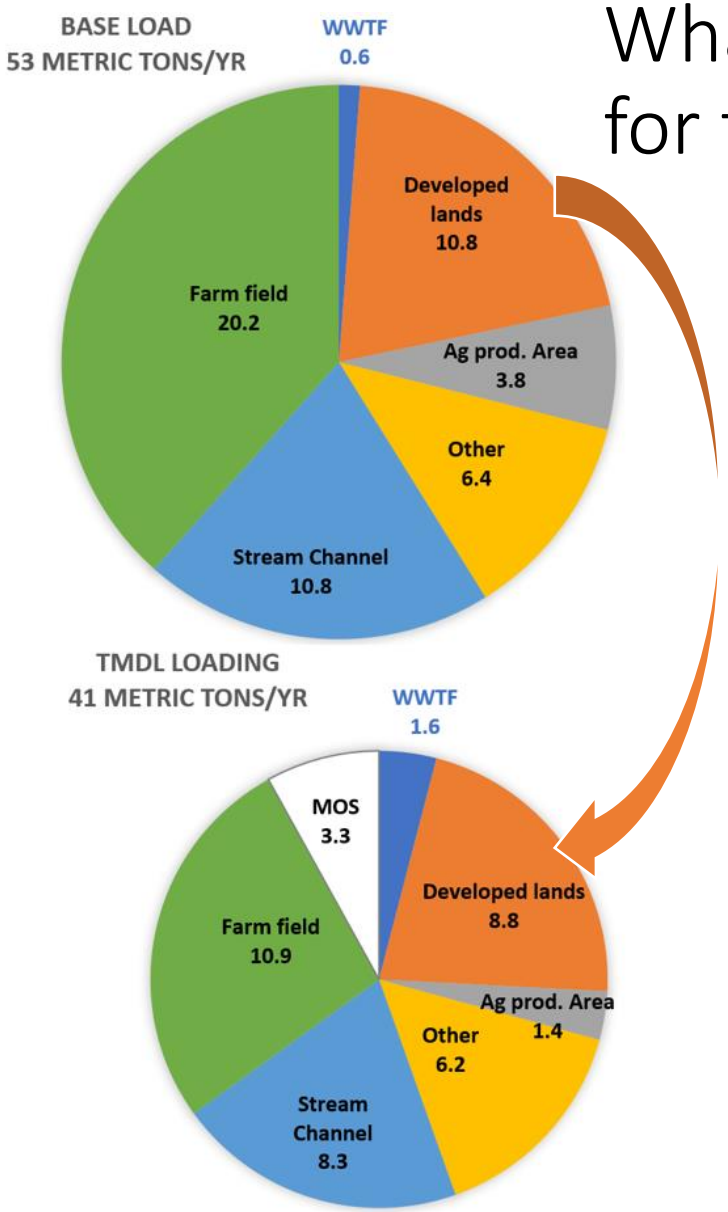


Act 76 Directs Clean Water Board to Prioritize Funding

Tiered Prioritization of Funding Recommendations from the Clean Water Board		
Tier 1	Eligibility  Any eligible entity As directed by AAFM	**Non-competitive (non-regulatory) funding:** • To CWSPs – Reasonable Operations and Maintenance Costs • To CWSPs – Water Quality Restoration Formula Grants • To CWSPs – not more than 15% of the above may be used for administrative costs • To RPCs, NRCDs, WUV - $500K to support TBP, and Basin WQCs **Competitive (non-regulatory) funding:** • Water Quality Enhancement and Protection Grants (25% of CWF, not to exceed $5M) **Ag Water Quality Programs (to comply with Required Agricultural Practices)** • Funding levels recommended by CWB appropriated to AAFM
Tier 2	Municipalities	**Competitive (regulatory) Municipal Stormwater Implementation Grants***
Tier 3	Private Entities	**Competitive (regulatory) Developed Lands Implementation Grants***

** "The grant(s) or financing program (to meet regulatory permit requirements) shall only be available in basins where a clean water service provider has met its annual goals or is making sufficient progress, as determined by the Secretary, towards those goals."*

What are the non-regulatory load reduction targets for the Lake Memphremagog basin?



- Developed lands load reduction (1968 kg) will be allocated based on what remains after subtracting the regulatory load reductions expected from:
  - The 3 acre stormwater permit.
  - The Municipal Roads General Permit
  - The TS4 permit (state transportation permit)

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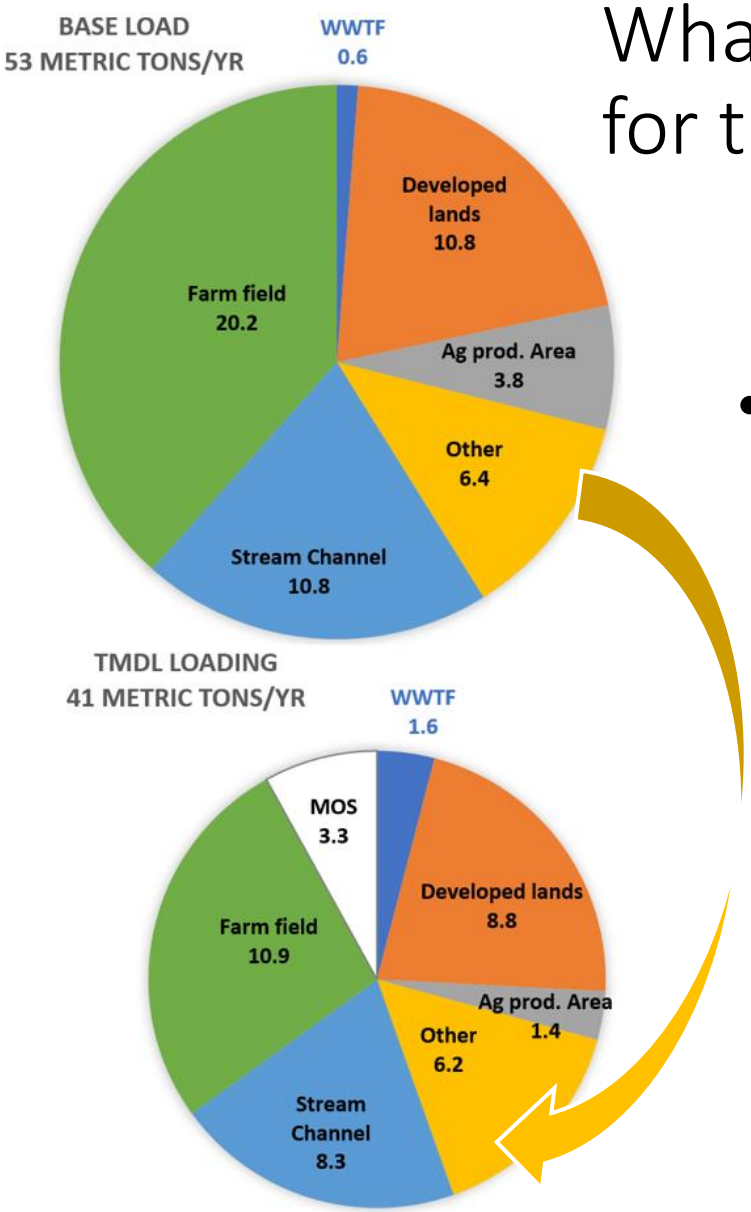
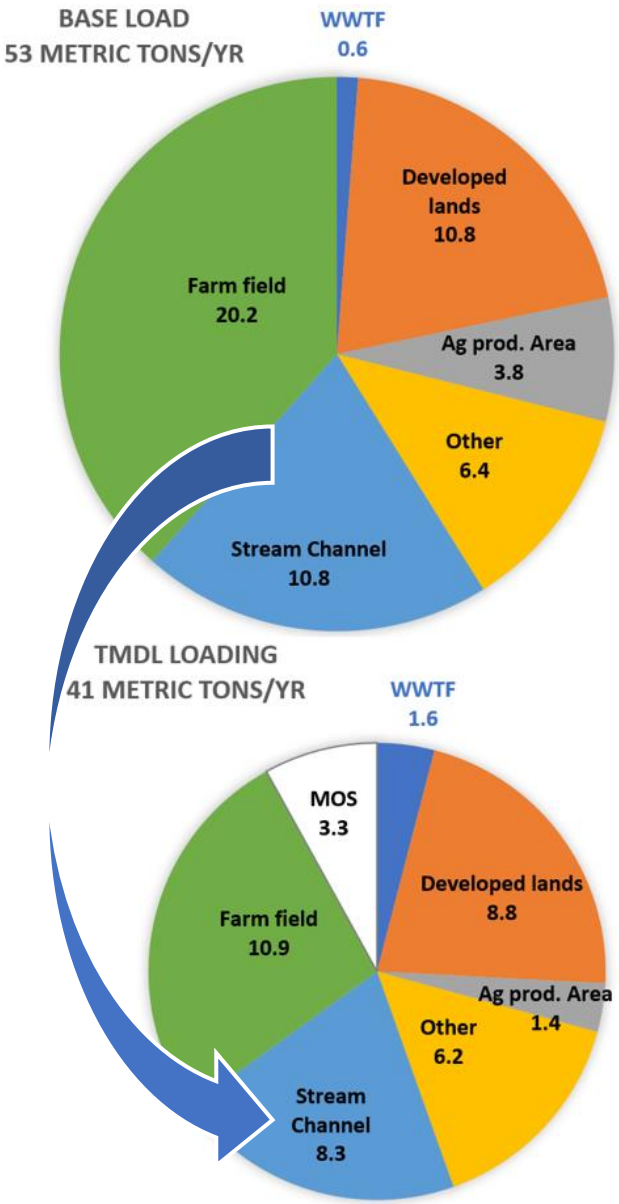


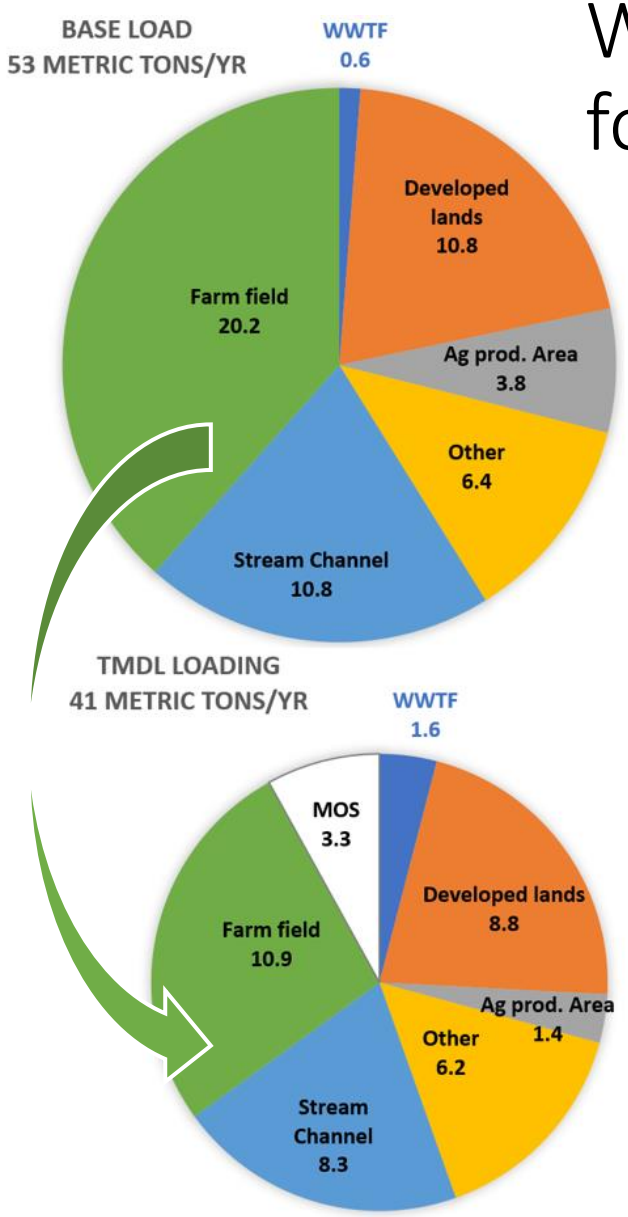
- Forest load reduction (Other) (277kg) will be allocated based on what remains after subtracting the regulatory load reductions expected from:
  - The implementation of the Acceptable Management Practices for logging.

What are the non-regulatory load reduction targets for the Lake Memphremagog basin?



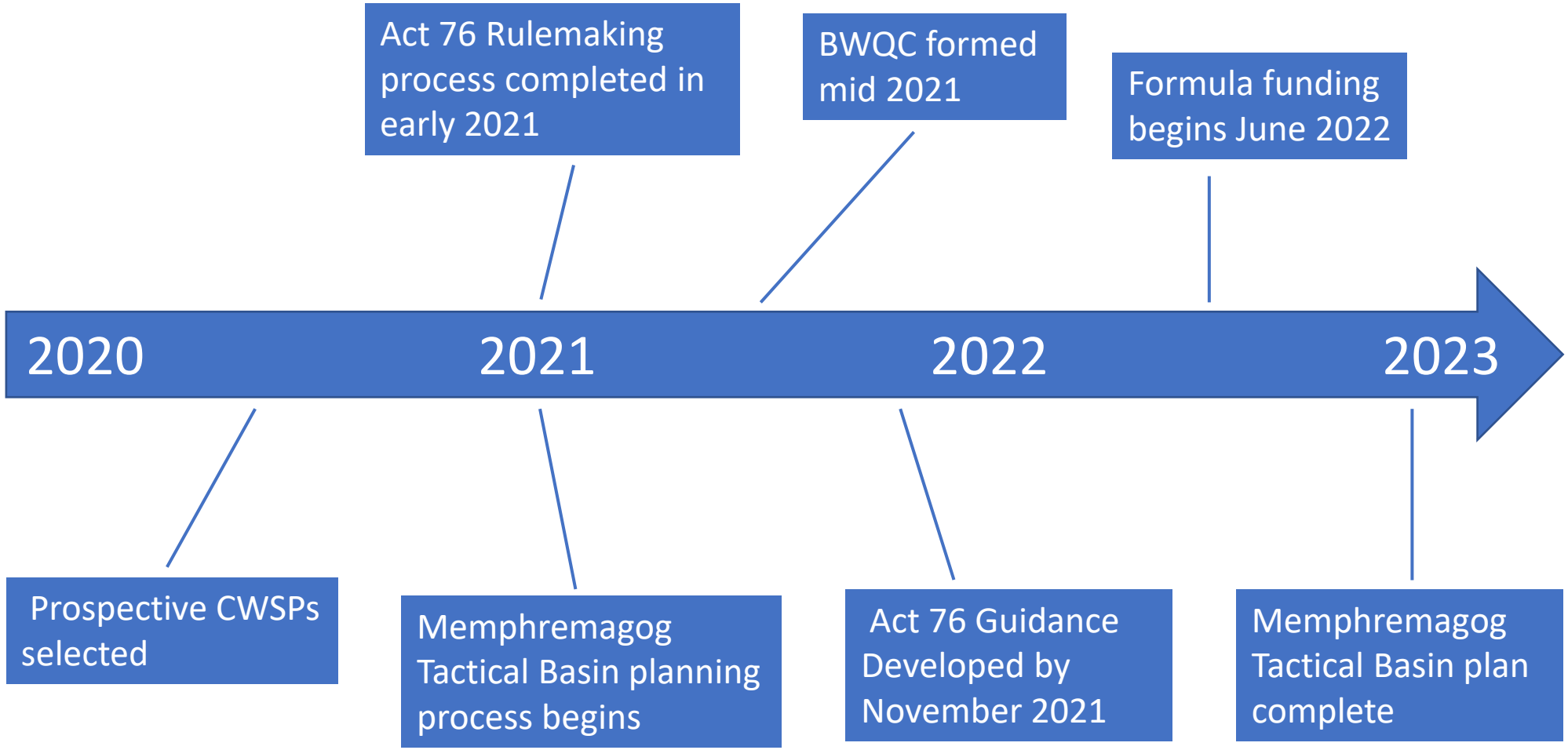
- Stream channel erosion reductions (2489kg) will largely be allocated to the CWSP:
  - This is a total 2489 kg which is the largest portion of funding to be directed to the CWSP

What are the non-regulatory load reduction targets for the Lake Memphremagog basin?



- Farm field reductions (9,318kg) will be allocated to the CWSP based on a memorandum of understanding that provides 10% of this loading (932kg) to the CWSP to:
  - Implement natural resource restoration projects on small, medium and large sized farms
  - To implement both natural resource restoration and agricultural best management practices projects on farms below the small farm threshold.

Clean Water Service Delivery Timeline:



Assignments

Draft CWSP Initial Assignment Schedule, 10/9/2020

Otter Creek	Addison County Regional Planning Commission	July 1, 2022 to June 30, 2025 (3 years)
North Lake	Chittenden County Regional Planning Commission	July 1, 2022 to June 30, 2026. (4 years)
Lamoille and Missisquoi	North West Regional Planning Commission	July 1, 2022 to June 30, 2027. (5 years)
Memphremagog	Vermont Housing and Conservation Board	July 1, 2022 to June 30, 2028. (6 years)
South Lake	Rutland PRC Poultney – Mettowee NRCD	July 1, 2022 to June 30., 2028. (6 years)
Winooski	Central VT Regional Planning Commission	July 1, 2022 to June 30, 2029. (7 years)

Rule Outline

1) Purpose and Authority
2) Definitions
3) Clean Water Service Providers
4) Technical Implementation
5) Basin Water Quality Councils
6) Conflict of Interest
7) Review of Adequate Progress and Maintenance; Corrective Action Plans
8) Renewal and Removal of CWSP Assignment

Appendix A: List of Assigned CWSPs by Basin

Funding to CWSP's through the formula grant is based on the cost per pound of phosphorus reduction x phosphorus reduction target. There are several consultant efforts that are in progress to complete the analysis necessary to do make these calculations:

- Standardized Cost per Unit of Pollution Reduction (by project type/ sector) and O&M/ life expectancy metrics. (Hoyle & Tanner Assoc.) Anticipated to be completed by winter 2021
- Functioning Floodplains Initiative– This consultant project has been undertaken to determine the opportunities to readily achieve floodplain connectivity. The outcomes of this consultant work will determine how connectivity will be scored, credited and tracked at a reach and watershed scale to support a strategic restoration and protection plan. (MMI, FEA, SE, SMRC, FM, UVM) Phase 2 anticipated to be completed 2022
- Forestlands Landscape Analysis – Consultant work underway to
  - Identify potential sources of forestland phosphorus and sediment loading in Vermont sections of Lake Champlain and Lake Memphremagog basins, including critical source area identification, and
  - Establish a method to estimate the potential phosphorus and sediment reductions associated with forestland BMP implementation.

  (WCA, UVM-SAL) Anticipated to be completed early summer 2021.